

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY LIONEL WHITE,

No. C 08-4603 SI (pr)

Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF FROM
JUDGMENT**

v.

CITY OF SAN FRANCISCO; et. al.,

(Docket No. 71)

Defendants.

Plaintiff Larry Lionel White, a state prisoner proceeding pro se, has filed a motion for relief from the judgment entered in this court on March 1, 2011 granting defendants' motion for summary judgment. Docket No. 71; see Docket Nos. 69 & 70.

Rule 60(b) of the Federal Rules of Civil Procedure provides for relief from a final judgment where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move to alter or amend the judgment, i.e., no later than twenty-eight days after the entry of judgment; (3) fraud, misrepresentation or misconduct by the opposing party; (4) the judgment is void; (5) the judgment is satisfied, released or discharged; or (6) any other reason justifying relief. See Fed. R. Civ. P. 60(b); School Dist. 1J v. ACandS Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Although couched in broad terms, subparagraph (6) requires a showing that the grounds justifying relief are extraordinary. Twentieth Century - Fox Film Corp.


1 v. Dunnahoo, 637 F.2d 1338, 1341 (9th Cir. 1981).

2 Plaintiff's motion, in its entirety, reads as follows: "Plaintiff filed a motion for relief from
3 judgment in the above case number, because of such matters as: (1) mistake, advertance, [sic]
4 surprise or excusable neglect; (2) the judgment's [sic] being the result of fraud,
5 misrepresentation, or misconduct by the other party." Doc. No. 71. Plaintiff does not make a
6 showing of mistake, inadvertence, surprise or excusable neglect. He does not set forth any
7 newly discovered evidence, fraud, or any grounds for finding that the judgment is void or has
8 been satisfied. Nor does he set forth any other reason justifying relief. In short, plaintiff has
9 failed to make the requisite showing under Rule 60(b) that he is entitled to relief from the
10 judgment of this court.

11 Plaintiff's motion for relief from judgment (Doc. No. 71) is **DENIED**.

12 **IT IS SO ORDERED.**

13
14 DATED: April 7, 2011



SUSAN ILLSTON
United States District Judge